IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

O.P.No.4084 of 2003(J)

PETITIONER:-
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1. THE GENERAL MANAGER, TELECOM,
   OFFICE OF THE GENERAL MANAGER,
   BHARATH SANCHAR NIGAM LTD., KOZHIKKODE.

2. THE DIVISIONAL ENGINEER (INSTALLATION)
   TELEPHONE EXCHANGE, KOZHIKKODE.

BY STANDING COUNSEL SRI.C.S.RAMANATHAN.

RESPONDENTS:-
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1. NEW INDIA INSURANCE COMPANY LTD.,
   REPRESENTED BY THE DIVISIONAL MANAGER, CALICUT.

2. THE BRANCH MANAGER, NEW INDIA ASSURANCE COMPANY LTD.,
   BRANCH OFFICE, TRIPURI BUILDING,
   EAST NADAKKAVU, CALICUT-673 001.

3. INSURANCE OMBUDSMAN, PULINAT BUILDINGS,
   2ND FLOOR, OPP.COCHIN SHIPYARD, M.G.ROAD,
   COCHIN-15.

R1 & R2 BY STANDING COUNSEL SRI.JOE KALLIATH

R3 BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.P.B.KRISHNAN

THIS ORIGINAL PETITION HAVING COME UP FOR FINAL HEARING ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & S.Siri Jagan,J.

O.P.No.4084 of 2003-J

Dated, this the 10th day of November, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

After arguing for some time, learned counsel representing the petitioner says that this petition be dismissed as withdrawn as the order/reply dated 13.3.2001, by which the claim of the petitioner was repudiated by the respondents and which order has been mentioned in the impugned order, Exhibit P7, and which is the only basic order, has not been challenged. He says that liberty be granted to file a fresh petition, in which the said order shall also be challenged. With liberty to file a fresh petition on the same cause of action challenging therein the order/reply dated 13.3.2001, this Original Petition is dismissed as withdrawn. C.M.P. No.7284 of 2003 does not survive.

Sd/-
V.K.Bali
Chief Justice

Sd/-
S.Siri Jagan
Judge

vku/-

- true copy -

P.A. to Judge.